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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,652	03/16/2004	Wai Hing Lai	016660-211	1119
21839	7590	07/29/2005	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			FIGUEROA, FELIX O	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,652	<b>Applicant(s)</b> LAI ET AL	
	<b>Examiner</b> Felix O. Figueroa	<b>Art Unit</b> 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

The drawings were received on May 16, 2005. These drawings are approved.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinopoli (US 3,049,688) in view of Lau et al. (US 5,568,942).

Regarding claims 1, 2 and 11, Sinopoli discloses an electrical accessory (Fig.2) comprising engageable first (10) and second body members (19,20,21), the first body member including a receiving portion (26) adapted to be releasably engageable with a plug member (not labeled in Fig.1) of an electric cord of an electric appliance (col.1 line 15), the second body member (20) including a first plug member (21) being electrically connectable with an electricity mains supply (not shown, col.2 lines 15-17), a second member (ends of 19) adapted be engageable with the first body member and an electric cord (20) electrically connecting the first and second plug members, and a securing means (35) for securing the first body member to a surface (col.2 lines 53-55).

Sinopoli discloses substantially the claimed invention except for the first and second body members being releasable engageable. Lau teaches first and second body members (98 and 2) being releasably engageable, the second member (2) having

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a first plug member (4) connectable with an electricity mains supply, and a second plug member (6) adapted to be releasably engageable (by a magnet, col. 3 lines 25-30) with the first body member (98), and provided with at least two apertures sized and shaped to receive two pins (34,38) from a second receiving portion (at 98), wherein the second plug member is dis-connectable from the first body member upon pulling of and/or accidental tripping over the electric cord (see Lau, col. 1 lines 24-35); the second plug member being connectable with the first body member by a magnetic force (see Lau, col. 3 lines 25-30); and the first plug member and second plug member are connected by a second electric cord, in order to prevent the first body member from being turned over when the second body is accidentally pulled (col. 1 lines 24-35). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the second member of the second body member as a plug that can be releasably engageable with the first body, as taught by Lau, to prevent the first body member from being turned over when the second body is accidentally pulled.

Regarding claim 5, Sinopoli discloses the securing means being a suction cup (35).

Regarding claim 6, Sinopoli, as modified by Lau, discloses substantially the claimed invention except for length of the electric cord. To the extent that Sinopoli, as modified by Lau, does not specify exact dimension (length of the cord), workable dimensions of the of the electric cord would have been a matter of routine experimentation to one of ordinary skill in the art at the time of the invention. In re Antonie, 559 F.2d 618 (CCPA 1977). Please note that it would have been obvious to

one of ordinary skill in the art at the time the invention was made to use an electric cord of at least three feet in order to reach a particular wall outlet.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sinopoli in view of Lau et al., as applied to claim 1 above, and further in view of Glass (US 6,004,157).

Sinopoli, as modified by Lau, discloses substantially the claimed invention except for securing means being a clamp. Glass teaches securing means in the form of a clamp (36) to provide a rugged and reliable connection (col.2 lines 51-53). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the securing means of Sinopoli as a clamp, as taught by Glass, to provide a rugged and reliable connection.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sinopoli in view of Lau et al., as applied to claim 1 above, and further in view of Karabakakis (US 4,647,120).

Sinopoli, as modified by Lau, discloses substantially the claimed invention except for the ground pin. Karabakakis teaches a plug member (47) including a ground pin (52). The use of a ground pin provides current dissipation under fault conditions, and thus a more secure connector. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a second plug member including a ground pin, as taught by Karabakakis, to dissipate current under fault conditions and thus provide a more secure connector.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinopoli in view of Lau et al., as applied to claim 1 above, and further in view of Lee et al. (US 6,328,581).

Sinopoli, as modified by Lau, discloses substantially the claimed invention except for the ground plates. Lee teaches a plug member (Figs. 8A and 8B) including ground plates (141,142) on opposite sides of the plug member and being engaged with a first body (2). The use of ground plates, when use with a corresponding counterpart socket, provides current dissipation under fault conditions, and thus a more secure connector. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a second plug member including a ground pin, as taught by Lee, to dissipate current under fault conditions and thus provide a more secure connector.

### ***Response to Arguments***

Applicant's arguments filed May 16, 2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against Sinopoli (i.e. the references individually), please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to Applicant's arguments that "a skilled person seeking to invent a safety electrical accessory (such as the claimed invention) simply would not look to a

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reference concerning an extension cord system for adding an additional length to an electric cord of an appliance", it is noted that Sinopoli discloses substantially the claimed invention except for the dis-connectable nature of the members. Accordingly, Sinopoli discloses a structure that is related and similar to the structure claimed. Additionally, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Sinopoli discloses an electrical accessory that is use to connect an electric appliance to an electricity mains supply.

In response to Applicant's arguments that "[t]here would be no motivation for a skilled person in the art to look to references [Sinopoli] concerning extension cords which are mainly used for extending the effective length of the electric cord of an appliance such that it may be used further away from an electric mains", please note that the fact that the prior art recognizes additional advantages which would flow naturally from the prior art structure cannot differentiate the claim language from the prior art meeting the structural limitations of the claim.

In response to applicant's argument that Lau "relates to an electric appliance equipped with a detachable power cord, while the present invention relates to an electrical accessory" and thus "[t]hese are two entirely different types of products, and a skilled person in the art seeking to address the problem associated with conventional electric appliances would not look to Lau et al for solution" please note that it has been

held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Lau teaches the releasably engageable connection, to prevent the first body member from being turned over when the second body is accidentally pulled.

Additionally, please note that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lau teaches a second member (2) having a first plug member (4) connectable with an electricity mains supply, and a second plug member (6) adapted to be releasably engageable (by a magnet, col. 3 lines 25-30) with the first body member (98), and provided with at least



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two apertures sized and shaped to receive two pins (34,38) from a second receiving portion (at 98), wherein the second plug member is dis-connectable from the first body member upon pulling of and/or accidental tripping over the electric cord (see Lau, col. 1 lines 24-35) to prevent the first body member from being turned over when the second body is accidentally pulled (col. 1 lines 24-35).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ffr



**THO D. TA**  
**PRIMARY EXAMINER**

REPLACEMENT SHEET

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approved  
*[Signature]*

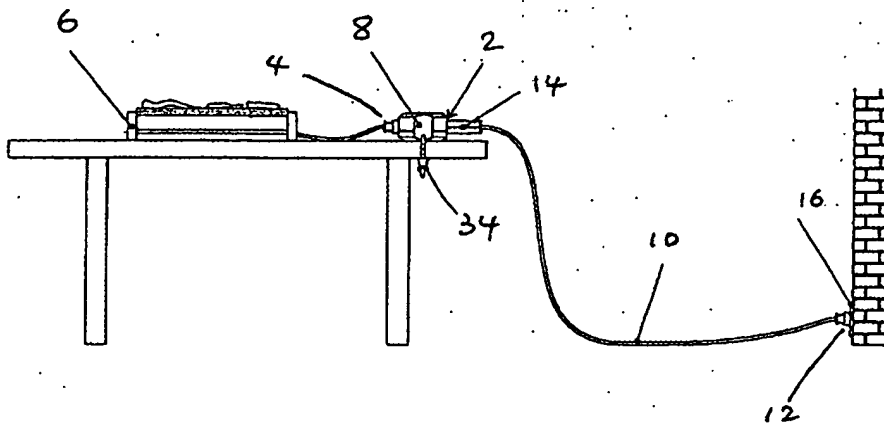


Fig. 1a

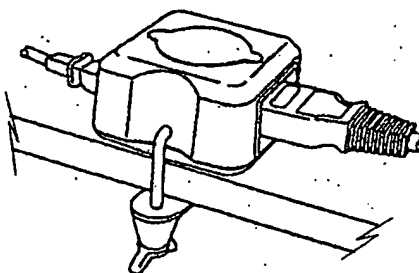


Fig. 1b